

# **EXHIBIT 3**

**PARTIALLY REDACTED**

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENVILLE

IN RE: SOUTHEASTERN MILK  
ANTITRUST INVESTIGATION

THIS DOCUMENT RELATES TO:

FOOD LION, LLC, AND

FIDEL BRETO, D/B/A FAMILY FOODS,

on behalf of themselves and a class of all  
others similarly situated,

Plaintiffs,

v.

DEAN FOODS COMPANY,  
DAIRY FARMERS OF AMERICA, INC.,  
NATIONAL DAIRY HOLDINGS, L.P.,  
DAIRY MARKETING SERVICES, LLC,  
and  
SOUTHERN MARKETING AGENCY, INC.

Defendants.

Case No. 5D07-3370

**DECLARATION OF PROFESSOR LUKE FROEB**

## I. INTRODUCTION

### A. Qualifications

1. My name is Luke Froeb. I am the William C. Oehmig Associate Professor of Entrepreneurship and Free Enterprise at Vanderbilt University's Owen Graduate School of Management. In July 2005, I completed a two-year term as Director of the Bureau of Economics at the U.S. Federal Trade Commission, where I managed 110 people, including 75 economists, whose job it was to provide economic analysis to support enforcement of the antitrust and consumer-protection laws. Prior to joining Vanderbilt University, I was an economist at the Antitrust Division of the U.S. Department of Justice. I have also taught graduate-level courses in industrial organization and econometrics at Tulane University, and in 1989, I spent a year as the Kramer Foundation Fellow at the University of Chicago Law School.

2. An important aspect of my work has related to research on competition policy. My publications have appeared in a number of prominent academic journals, including *Antitrust Law Journal*, *Review of Industrial Organization*, *Journal of Industrial Economics*, and the *Journal of Econometrics*, among others. My research has concerned such topics as empirical market delineation, vertical restraints, auctions, patent damages, and econometrics. I have created or collaborated on several models of competition developed for use by the U.S. Department of Justice to predict the competitive effects of mergers.

3. I received my Ph.D. in economics from the University of Wisconsin and an A.B. in economics from Stanford University. Additional details regarding my qualifications and experience are given in my *curriculum vitae*, a copy of which is attached to this report as Appendix One.

**B. Assignment**

4. I have been retained by counsel for the Retailer Plaintiffs to delineate relevant antitrust markets for analyzing Plaintiffs' claims, to examine the potential for Dean to exercise market power in a relevant antitrust market, and to analyze Defendants' claims that Plaintiffs cannot establish that the Southeast is a relevant geographic market.<sup>1</sup>

5. As part of my investigation, I (or staff working under my direction) have reviewed a number of documents and other sources of information. The materials I reviewed include, but are not limited to, the following: (1) the Amended Class Action Complaint; (2) documents produced by the parties in discovery; (3) publically available data from Milk Market Order administrators; (4) depositions of industry executives and of those offering economic testimony in this case; (5) industry trade publications; and (6) academic publications relevant to my inquiry. A detailed list of the materials I relied upon in the preparation of this report is attached as Appendix Two.

6. I am being compensated at an hourly rate of \$650, and my compensation is not contingent on the outcome of this proceeding. My research into the matters discussed above continues, and I reserve the right to modify or supplement my opinions as additional information becomes available.

**C. Summary of Conclusions**

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<sup>1</sup> Memorandum of Law in Support of Defendants' Motion for Summary Judgment, p. 34 (Sept. 18, 2009). I previously submitted a declaration in this matter in which I described the commonly accepted methodology for geographic market delineation, and discussed why Defendants' claims are inconsistent with this methodology. See Declaration of Luke Froeb (Nov. 9, 2009).

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<sup>2</sup> By “eastern part of Tennessee” I mean specifically the region of Tennessee within Federal Order 5.

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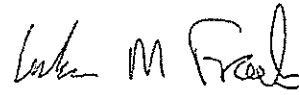
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A handwritten signature in black ink, appearing to read "Luke M. Froeb". The signature is written in a cursive, flowing style.

Luke Froeb

March 5, 2010

APPENDIX ONE  
CURRICULUM VITAE OF LUKE FROEB

## Luke Froeb

*William Oehmig Associate Professor of Management*

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### Education

Stanford University, A.B. (1978), Economics, with honors and academic distinction.  
University of Wisconsin, Ph.D. (1983), Econometrics, passed with distinction.

### Experience

- 1993- **Asst.(1993)/Assoc.(1998)/chaired(2000) Professor of Management**, Vanderbilt University. Teach managerial economics to both MBA's and executive MBA's, and assorted topics in non-degree programs. Co-teach undergrad math class Mathematical Models in Economics with Steven Tschantz.
- 2003-5 **Director, Bureau of Economics, U.S. Federal Trade Commission**. Managed 110 employees, including 75 PhD economists who provided economic analysis to support enforcement of antitrust and consumer protection laws.
- 1986-92 **Economist, Antitrust Division, U.S. Department of Justice**. Merger and price-fixing cases and policy: litigation support; expert witness; data analysis; policy analysis. Work for Sentencing Commission.
- 1989 **Kramer Foundation Fellow, University of Chicago Law School**
- 1984-5 **Asst. Professor, Department of Economics, Tulane University**. Taught grad and undergrad econometrics; grad industrial organization; undergrad micro

### Mergers

- Froeb, Luke M., Mikhael Shor, Steven Tschantz, Mergers in Auctions with an Incumbent Advantage (September 2, 2008). *Vanderbilt Law and Economics Research Paper* No. 08-24.
- Kalnins, Arturs, Luke Froeb, and Steven Tschantz, Mergers among Firms that Manage Revenue, *working paper* (2008).
- Tenn, Steven, Luke Froeb, and Steven Tschantz, Merger Effects When Firms Compete by Choosing Both Price and Advertising, Owen Working paper (2007).

- Werden, Gregory, Luke Froeb, and Steven Tschantz, Incentive Contracts as Merger Remedies, (October 2005). *Vanderbilt Law and Economics Research Paper No. 05-27*.
- Froeb, Luke and Steven Tschantz, How Much Information is Required to Accurately Predict Merger Effects?, Owen Working paper (6/01).
- Gandhi, Amit, Luke Froeb, Steven Tschantz, and Gregory Werden, Post-Merger Product Repositioning, *Journal of Industrial Economics*, 41 (March, 2008) pp. 49-67.
- Froeb, Luke and Steven Tschantz, and Gregory Werden, Pass-Through Rates and the Price Effects of Mergers, *International Journal of Industrial Organization*, 23 (2005) 703-715.
- Werden, Gregory J., Luke M. Froeb and Steven Tschantz, The Effects of Merger Efficiencies on Consumers, *European Competition Journal*, 1:2 (October, 2005) 245-264.
- Froeb, Luke, Steven Tschantz & Philip Crooke, Bertrand Competition with Capacity Constraints: Mergers Among Parking Lots, *Journal of Econometrics* 113(1) (March, 2003) 49-67.
- Froeb, Luke, and Gregory Werden, An Introduction to the Symposium on the Use of Simulation in Applied Industrial Organization, *International Journal of the Economics of Business*, 7(2) (July, 2000) 133-137.
- Crooke, Philip, Luke Froeb, Steven Tschantz, and Gregory Werden The Effects of Assumed Demand Form on Simulated Post-Merger Equilibria, *Review of Industrial Organization*, 15(3), (November, 1999) pp. 205-217.
- Werden, Gregory, and Luke Froeb, The Entry-Inducing Effects of Horizontal Mergers, *Journal of Industrial Economics*, 46:4 (1998) pp. 525-543.
- Froeb, Luke and Gregory Werden, A Robust Test for Consumer Welfare Enhancing Mergers Among Sellers of a Homogeneous Product, *Economics Letters*, 58 (1998) pp. 267-269.
- Werden, Gregory, Luke Froeb, and Timothy Tardiff, The Use of the Logit Model in Applied Industrial Organization, *International Journal of the Economics of Business*, vol. 3, no. 1, (1996) pp. 85-107.
- Werden, Gregory and Luke Froeb, The Effects of Mergers in Differentiated Products Industries: Logit Demand and Merger Policy, *Journal of Law, Economics, & Organization*, 10 (1994) pp. 407-426, reprinted in *Antitrust and Competition Policy* (Andrew N. Kleit ed., 2005)
- Froeb, Luke, Timothy Tardiff, and Gregory Werden, The Demsetz Postulate and the Effects of Mergers in Differentiated Products Industries, *Economic Inputs, Legal Outputs: The Role of Economists in Modern Antitrust*, London: John Wiley & Sons, edited by Fred McChesney, 1998.
- Werden, Gregory, and Luke Froeb, Simulation as an Alternative to Structural Merger Policy in Differentiated Products Industries, chapter 4 in *The Economics of the Antitrust Process*, edited by Malcolm Coate and Andrew Kleit, Boston: Kluwer Academic Press, 1996.

Froeb, Luke, Evaluating Mergers in Durable Goods Industries, *Antitrust Bulletin*, 34 (Spring, 1989) 99-119.

### **Price Discrimination**

Cooper, James, Luke Froeb, Daniel O'Brien and Steven Tschantz, Does Price Discrimination Intensify Competition? Implications for Antitrust, *Antitrust Law Journal*, 72:2 (2005) 327-374.

### **Collusion**

Abrantes-Metz, Rosa, Luke Froeb, John Geweke, Christopher Taylor, A Variance Screen for Collusion, *International Journal of Industrial Organization*, 24 (May, 2006) 467-486.

Froeb, Luke, Robert Koyak & Gregory Werden, What is the Effect of Bid-Rigging on Prices?, *Economics Letters*, 42 (1993) pp. 419-423.

### **Vertical Restraints**

Froeb, Luke, Steven Tschantz, and Gregory Werden, Vertical Restraints and the Effects of Upstream Horizontal Mergers, *The Political Economy of Antitrust*, Vivek Ghosal and Johann Stennek (Eds.), Amsterdam: North-Holland Publishing, (2007) p. 369.

Cooper, James, Luke Froeb, Daniel O'Brien, and Michael Vita, Vertical Antitrust Policy as a Problem of Inference, *International Journal of Industrial Organization*, 23 (2005) 639-664.

- Comment by John Comanor, Frederick Scherer, and Robert Steiner
- Reply
- Response by John Comanor, Frederick Scherer, and Robert Steiner

Cooper, James, Luke Froeb, Daniel O'Brien, and Michael Vita, A Comparative Study of United States and European Union Approaches to Vertical Policy, *George Mason Law Review*, 13:2 (Winter, 2005) 289-308

Cooper, James, Luke Froeb, Daniel O'Brien, and Michael Vita, Vertical Restraints and Antitrust Policy: What about the Evidence? *Competition Policy International*, 1:2 (Autumn, 2005) 45-64.

- Comment by Frederick Scherer (2005)
- Comment by Ralph Winter (2005)
- Reply by authors (2006)
- Rejoinder by Ralph Winter (2006)

### **Auctions**

Froeb, Luke, Mikhael Shor, & Steven Tschantz, Mergers in Auctions with an Incumbent Advantage: Owen Working paper (2008).

Froeb, Luke, and Steven Tschantz, Mergers Among Bidders with Correlated Values in *Economic Issues in Measuring Market Power--Contributions to Economic Analysis*,



Vol.255,edited by Daniel J. Slottje, Amsterdam: North-Holland Publishing, 2002, p31-46.

Brannman, Lance, and Luke Froeb, Mergers, Cartels, Set-Asides and Bidding Preferences in Asymmetric Second-price Auctions, *Review of Economics and Statistics*, 82(2) (2000) 283-290.

Tschantz, Steven, Philip Crooke, and Luke Froeb, Mergers in Sealed vs. Oral Auctions, *International Journal of the Economics of Business*, 7(2) (July, 2000) 201-213.

Froeb, Luke, Steven Tschantz & Philip Crooke, Second-price Auctions with Power-related Distributions: Owen Working paper (2001).

Froeb, Luke M., Tschantz, Steven T. and Crooke, Philip, "Mergers Among Asymmetric Bidders: A Logit Second-Price Auction Model" (February 27, 1998).

### **Law & Economics**

Froeb, Luke, and Bruce Kobayashi, Evidence production in Adversarial vs. Inquisitorial Regimes, *Economics Letters* 70(2), (2001) pp. 267-272.

Froeb, Luke, and Bruce Kobayashi, Naive, Biased, yet Bayesian: Can Juries interpret Selectively-Produced Evidence, *Journal of Law, Economics, & Organization*, vol. 12, no. 1 (1996) 257-276; reprinted in *Economics of Evidence, Procedure and Litigation* (edited by Chris W. Sanchirico, Edward Elgar, forthcoming).

Froeb, Luke, The Adverse Selection of Cases for Trial, *International Review of Law and Economics*, 13(3), (June, 1993) 317-324

### **Patent Damages**

Werden, Gregory J., Luke M. Froeb, and James Langenfeld, Lost Profits from Patent Infringement: The Simulation Approach, *International Journal of the Economics of Business*, 7(2) (July, 2000) 213-227.

Werden, Gregory J., Luke M. Froeb, and Lucian Wayne Beavers, Economic Analysis of Lost Profits from Patent Infringement with and Without Noninfringing Substitutes, *American Intellectual Property Law Association Quarterly Journal*, 27 (1999) pp. 305-333.

Werden, Gregory J., Lucian Wayne Beavers, and Luke M. Froeb, Quantity Accretion-The Mirror Image of Price Erosion from Patent Infringement, *Journal of the Patent and Trademark Office Society*, 81 (1999) pp. 479-482.

### **Econometrics**

Froeb, Luke, An Innovation Variance Ratio Test, Owen working Paper (1996)

Cooil, Bruce, and Luke Froeb, A Difference Estimator for Testing Equality of Variances for Paired Time Series, *Journal of Time Series Analysis*, 19(3) (May, 1998) pp. 285-290.

Froeb, Luke, & Robert Koyak, Measuring and Comparing Smoothness in Time Series: The

Production Smoothing Hypothesis, *Journal of Econometrics*, 64 (1994) 97-122.

### **Critiques of Empirical Market Delineation**

- Werden, Gregory, and Luke Froeb, Correlation, Causality, and all that Jazz: the Inherent Shortcomings of Price Tests for Antitrust Market Delineation, *Review of Industrial Organization*, 8 (June, 1993) 329-354; reprinted in the *Journal of Reprints for Antitrust Law and Economics*, 28(1) (1998) p. 175.
- Froeb, Luke and Gregory Werden, The Reverse Cellophane Fallacy in Market Delineation, *Review of Industrial Organization*, 7 (1992) 241-247.
- Froeb, Luke and Gregory Werden, Residual Demand Estimation for Market Delineation: Complications and Limitations, *Review of Industrial Organization*, 6 (1991) 3348, reprinted in the *Journal of Reprints for Antitrust Law and Economics*, 28(1) (1998) p. 357.

### **Critiques of Structure-Performance Studies**

- Evans, William, Luke Froeb, and Gregory Werden, Endogeneity in the Concentration-Price Relationship: Causes, Consequences, and Cures, *Journal of Industrial Economics*, 41 (September, 1993) 1-8.
- Amel, Dean, and Luke Froeb, Do Firms Differ Much?, *Journal of Industrial Economics*, 39 (March, 1991) 23-31.
- Froeb, Luke, and John Geweke, Long Run Competition in the Post-war U.S. Aluminum Industry, *International Journal of Industrial Organization*, 5 (1987) 67-78.

### **Antitrust Policy**

- Froeb, Luke, Pingping Shan, Reconciling the Conflicting Views of the DOJ Report on Single-Firm Conduct, Global Competition Policy, (Oct., 2008).
- Froeb, Luke, Paul Pautler, and Lars-Hendrik Roeller, The Economics of Organizing Economists, (July, 2008).
- Rosa Abrantes-Metz and Luke Froeb, The Agencies are Screening for Collusion: What are they Likely to Find? *ABA Newsletter* (Spring, 2008).
- Werden, Gregory and Luke Froeb, Unilateral Competitive Effects of Horizontal Mergers II: Auctions and Bargaining, *Issues in Competition Law and Policy*, W. Dale Collins (ed.), ABA Section of Antitrust Law, 2008, vol. 2, 1343.
- Werden, Gregory J., and Luke M. Froeb, Unilateral Competitive Effects of Horizontal Mergers, in *Handbook of Antitrust Economics*, Paolo Buccirossi (ed.), (Boston: MIT Press), 2007, pp. 43-104. A
- Auctions, Evidence, and Antitrust, in *Econometrics: Legal Practical and Technical Issues*, John Harkrider (ed.), ABA Section on Antitrust Law, 2005. (with Mikhael Shor).

- Merger Simulation, in *Econometrics: Legal, Practical, and Technical Issues*, John D. Harkrider (ed.), ABA Section of Antitrust Law, 2005, p. 269 (with Steven Tschantz and Gregory Werden).
- Werden, Gregory, and Luke Froeb, Antitrust, *International Encyclopedia of the Social Sciences*, 2nd Edition, Willam Darity (ed.), McMillan Reference USA, forthcoming.
- Froeb, Luke, and Paul Pautler, Consumer Protection, *International Encyclopedia of the Social Sciences*, 2nd Edition, Willam Darity (ed.), McMillan Reference USA, forthcoming.
- Froeb, Luke, If Merger is the Answer, What is the Question? *M&A Journal*. (March, 2006), reprinted in *Owen Manager* (2006) and in *Proceedings of the I Lisbon Conference on Competition Law and Economics* (Kluwer Law International, forthcoming).
- Froeb, Luke, James Cooper, Mark Frankena, Paul Pautler, and Louis Silvia, Economics at the FTC: Cases and Research with a Focus on Petroleum, *Review of Industrial Organization*, 26 (2005) 1-30.
- Froeb, Luke, Daniel Hosken, Janis Pappalardo, Economics Research at the FTC: Information, Retrospectives, and Retailing, *Review of Industrial Organization*, 25:4 (Dec., 2004) 353-374.
- Werden, Gregory J., Luke M. Froeb, and David T. Scheffman, A *Daubert* Discipline for Merger Simulation, *Antitrust*, 18:3 (Summer, 2004) pp. 89-95.
- Werden, Gregory J., Luke M. Froeb and David T. Scheffman, Whither Merger Simulation?, *Antitrust Source*, (May, 2004).
- Werden, Gregory, and Luke Froeb, The Antitrust Logit Model For Predicting Unilateral Competitive Effects, *Antitrust Law Journal*, 70(1), (2002).
- Werden, Gregory, and Luke Froeb, Calibrated Economic Models Add Focus, Accuracy, and Persuasiveness to Merger Analysis in the *Pros and Cons of Merger Control*, edited by the Swedish Competition Authority, Swedish Competition Authority, Stockholm, 2002.
- Froeb, Luke, Bid Rigging Against the Government, *Owen Manager*, (Spring, 1994).

#### **Miscellaneous**

- Froeb, Luke, and Brian McCann, *Managerial Economics: A Problem-solving Approach*, (New York, Southwestern, 2007).
- Froeb, Luke, Review of "Economy of Grace" *Journal of Lutheran Ethics*, vol. 29, July, 2006.
- Froeb, Luke, Book Review of *Modern Competitive Analysis* by Sharon Oster, *Managerial and Decision Economics*, 21:5 (July-Aug., 2000) pp. 209-210.
- Crooke, Philip, Luke Froeb & Steven Tschantz, Teaching MBA Students to Compete in Simulated Oligopoly Environments, *Interactive Learning*, Vignettes from America's most Wired Campuses, edited by Donald Brown, (Anker Publishing: Bolton, MA, 2000) pp. 141-143.
- Crooke, Philip, Luke Froeb & Steven Tschantz, Pedagogy using *Mathematica* through the

Web *ALN Magazine*, vol. 2:2, Oct., 1998.

Froeb, Luke, Book Review of *Business Economics* by Maria Moschandreas, *Managerial and Decision Economics*, 16:1 (Jan-Feb, 1995) pp. 93-94.

Froeb, Luke, Richard W. Oliver, and David Weiskopf, Geographic Variation in Internet Connectivity, *Papers & Proceedings of the Twenty Ninth IEEE Hawaii International Conference on Systems Sciences*, vol. 29, 1996.

### Software

Crooke, Philip, Luke Froeb, and Steven Tschantz, Maximum Likelihood Estimation, *Mathematica in Education and Research*, 8(1) (winter, 1999) pp. 17-23.

Crooke, Philip, Luke Froeb, and Steven Tschantz, Maximum Likelihood Estimation, *Mathematica* package (1998).

Crooke, Philip, Luke Froeb, and Steven Tschantz, SimMerger™, a *Mathematica* package that simulates the effects of mergers, commissioned by the U.S. Department of Justice (1998).

Crooke, Philip, Luke Froeb & Steven Tschantz, Simulate Mergers On-Line, *Antitrust* 11 (spring, 1997) 29. [GS 1]

Froeb, Luke, Log Spectral Analysis: Variance Components in Asset Prices, in *Computational Economics and Finance: Modeling and Analysis with Mathematica*, edited by Hal Varian (TELOS, Springer-Verlag) 1996. [WS 5]

Froeb, Luke, and Gregory Werden, Simulating Mergers among Noncooperative Oligopolists, in *Computational Economics and Finance: Modeling and Analysis with Mathematica*, edited by Hal Varian (TELOS, Springer-Verlag) 1996. [GS 20, WS 3, LN 3, WL 4]

Froeb, Luke, *Click&Learn Regression*, interactive software that teaches regression analysis to lay persons (1993)

### Awards, grants, professional activities

2005- Editorial Board of *Competition Policy International*

1998- Editorial Board of *International Journal of the Economics of Business*

2005-07 Outstanding Professor of Vanderbilt's Executive MBA program

2005 ABA Economic Evidence Task Force

2002 Dean's Award for Outstanding and Widespread Research Impact

2001 Klebler-Gerry Lecturer, St. Olaf's College.

2001 Dell STAR (Strategic Technology And Research) Grant to update web-based *Mathematica* simulation games.

2000 Dean's Award for Teaching Excellence.

1999 Outstanding Professor of the Vanderbilt International Executive MBA program

1998 Outstanding Technological Innovation in Business Education for web-based *Mathematica* simulation games, by Price-Waterhouse and the University of Virginia McIntire School of Commerce.

1995 Grant Recipient, the Provost's Initiative on Technological Innovation in the

Classroom to develop the Vanderbilt University *Mathematica* Web Server.  
1994-02 Editor, *Antitrust.org*, resource linking economic research, policy, and cases.  
1993-7 Steering Committee Member for the Undergraduate Computation and  
Engineering Sciences project to promote the emerging field of computational science.

### **Selected Antitrust Experience**

2009 Beer, Airline Mergers  
2008 Paper Merger  
2007 Hospital Merger  
2006 Hospital  
2003-5 FTC (antitrust, consumer protection, competition policy)  
2002 Cable TV merger; Princess-Carnival.  
2001 Reed Elsevier-Harcourt, Pepsi-Gatorade  
2000 Sprint-WorldCom, Brahma-Antarctica, U.S. Department of Justice  
1999 Central Parking Systems-Allright  
1998 Lockheed-Grumman; Monsanto-American Home Products  
1997 U.S. Department of Justice-Antitrust Division (wrote software)  
1996 L'Oreal-Maybelline; General Mills-Ralston; Campbell Soup-Van de Kamps

### **Recent Talks**

May, 2009 Antitrust as a Solution to Patent-Holdup, Seminars at FTC and DOJ, Washington, DC.

Apr, 2009 Mergers in Auctions with an Incumbent Advantage, IIOC annual meetings, Boston MA.

March, 2009 The Competitive Effects of the Ticketmaster-Live Nation Merger, testimony before Congress.

Sept, 2008 The past, present, and future of hospitals deals and antitrust, Health care deal-making summit, Nashville, TN.

July, 2008 How to Measure the Welfare Effects of the FTC's Competition and Consumer Protection Efforts roundtable at hearings on FTC at 100, Washington DC.

May, 2008 Mergers among firms that manage revenue, IIOC Conference, Arlington, VA

Feb, 2008 Horizontal Mergers among IP Licensors and IP Licensees, George Mason University Conference on High Tech Mergers.

Feb, 2008 The limits of structural modeling, plenary talk, George Mason University Conference on High Tech Mergers.

Apr, 2008 25th Anniversary of AT&T Break-up, Panel Moderator, University of

Pennsylvania Law School.

- Oct, 2007 Mergers among firms that compete by choosing both price and promotion, Competition Conference to celebrate inauguration of China's new antitrust law, Peking University, China.
- June, 2007 Mergers among firms that compete by choosing both price and promotion, Industrial Organization Conference, Shanghai China.
- July, 2007 eCCP Roundtable: US Supreme Court Decisions: A Retrospective, Washington, DC.
- June, 2007 Antitrust Debate with Marc Ivaldi, Italian Competition Authority, Rome Italy.
- June, 2007 Mergers among firms that compete by choosing both price and promotion, Asian Industrial Organization Conference, Shanghai China.
- Apr., 2007 Mergers among firms that compete by choosing both price and promotion, IIOC Annual Meeting, Savannah, Georgia
- Apr., 2007 Mergers among firms that compete by choosing both price and promotion, Washington University
- Mar., 2007 Challenges to Dominant Firm Exclusionary Conduct, 2007 Antitrust Conference, The Conference Board, New York
- Mar., 2007 Mergers among firms that compete by choosing both price and promotion, Cornell University
- Mar., 2007 Mergers among firms that compete by choosing both price and promotion, Vanderbilt University
- Jan., 2007 Media Ownership, NewsChannel5's Openline, Nashville
- Dec., 2006 Media Mergers, FCC Hearings on Media Mergers Nashville, Tennessee
- Sept., 2006 What do we know about single-firm conduct? Joint FTC-DOJ hearings on "Single Firm Conduct"
- June, 2006 The Economics of Mergers and Monopolization Office of Fair Trading, London, UK
- June, 2006 Managing Vertical Relationships, Fordham Competition Law Institute, Fordham Law School, New York
- May, 2006 Health Care Competition: Emerging Antitrust Issues AHIP &

AHLA Conference, Amelia Island, Florida

April, 2006	Post-Merger Product Repositioning University of Texas--Arlington
March, 2006	Merger Analysis, The Use of Economics in Competition Law, BIICL Conference, Brussels, Belgium
March, 2006	Article 82 and Section 2 Freshfields, Bruckhaus & Deringer seminar, Washington, DC
Dec, 2005	Evanston-Northwestern Hospital Merger Reconsidered ABA Brown Bag Discussion
Dec, 2005	A Positive Antitrust Enforcement Agenda CEPR Conference, Brussels, Belgium
Nov, 2005	If Merger is the Answer, What is the Question? The First Lisbon Conference on Competition Law and Economics, Portugal
Oct., 2005	If Merger is the Answer, What is the Question? CFO conference, Huntsville, Alabama
Aug, 2005	Health Care Competition: Can we make it work? Health care MBA Advisory Board, Vanderbilt, Nashville, TN
Aug, 2005	Health Care Competition: Can we make it work? Breakfast Roundtable Discussion, Vanderbilt, Nashville, TN
June, 2005	International Regulatory Risk Pioneer Investments, New Hampshire
June, 2005	Antitrust and Intellectual Property ABA Antitrust and Intellectual Property Conference, UC-Berkeley
June, 2005	Regulatory Risk Legg-Mason Conference, Nashville, TN
June, 2005	Merger Analysis Bates-White Conference, Washington, DC
May, 2005	Vertical Restraints, What Next? LECG Panel, Washington, DC
May, 2005	Vertical Restraints AEI/Brookings Joint Center Antitrust Program
May, 2005	Vertical Restraints George Mason Law School Bundling Roundtable
April, 2005	Post Merger Product Repositioning



	International Industrial Organization Conference
April, 2005	Breakfast with the Bureau Directors ABA meetings, Washington DC
April, 2005	Did the FTC Approve Too Many Oil Mergers? ABA meetings, Washington DC
March, 2005	Consumer Protection Economics Colby College
March, 2005	International Antitrust Vanderbilt Development Economics graduate students
Feb, 2005	Critical Enforcement Issues Roundtable Discussion at Charles River Associates Annual Conference
Jan, 2005	Use of Economics in Competition Law Keynote speech, IBC Conference, Brussels
Dec, 2004	Competition Advocacy and Industry-Wide Antitrust at the FTC Office of Fair Trading and Competition Commission, London
Dec, 2004	Effects-Based Analysis: Mergers and Vertical Restraints British Institute of International and Comparative Law, London
Dec, 2004	Antitrust Enforcement R&D: Mergers and Vertical Restraints Kings College, London
Dec, 2004	Vertical Restraints: What about the Evidence? American Bar Association, Fall Forum, Washington, DC
Nov, 2004	Demand-Pull Research for Antitrust Policy University of Virginia, Dept. of Econ.
Nov, 2004	Post-Merger Product Repositioning University of Virginia, Dept. of Econ
Oct, 2004	Quantitative Methods in Merger Control Summit at Como: A Discussion of Competition Policy, Law & Economics, Italy.
Oct, 2004	Vertical Restraints: What about the Evidence? George Mason University Law Review Program, Washington, DC
Sep, 2004	Enforcement R&D

EC/US Bilateral Consultations, Brussels, Belgium.

Sep, 2004      Economics and Antitrust: Enforcement R&D  
Keynote Address at Annual Meeting of the European Association in Industrial  
Economics (EARIE), Brandenburg Academy of Sciences, Berlin, Germany

Jun, 2004      Post-Merger Product Repositioning  
University de Toulouse, IDEI, Toulouse, France

Jun, 2004      Use of Economic Evidence in Competition Cases  
OECD Roundtable, Paris, France

Apr, 2004      Variance and Smoothness Screens for Collusion  
International Industrial Organization Conference, Chicago, IL [GS 2]

Apr, 2004      Merger Effects, Promotion and Price  
Duke University, Durham, NC

Apr, 2004      Breakfast with the FTC Bureau Directors  
American Bar Association Spring Meeting, Washington, DC

Mar, 2004      Economic Analysis of Mergers: Recent Developments  
American Bar Association Spring Meeting, Washington, DC

Mar, 2004      Economics in Antitrust: A U.S. Perspective  
The Office of Fair Trading, London, UK

Mar, 2004      The View from Brussels and Washington  
AEI-Brookings Joint Center for Regulatory Studies, Brussels

Mar, 2004      Economics in Antitrust: A U.S. Perspective  
European Commission, Brussels

Mar, 2004      Economists, Damages, and Daubert Pitfalls  
Utah State Bar and Law and Economics Society, Salt Lake City

Mar, 2004      Unilateral Effects and Economic Models

2004            Antitrust Conference: The Conference Board, NY

Feb, 2004      Unilateral Effects and Economic Models  
Charles River Associates Annual Meeting, Washington, DC

Jan, 2004      Merger Effects When Firms Compete by Choosing Both Price and Advertising,  
FTC Bureau of Economics Seminar

Jan, 2004	Whither Merger Simulation ABA Economics Committee Brown Bag, Washington, DC
Dec, 2003	Using Structural Models to Simulate IP Damages ABA Antitrust & Intellectual Property Sections, Washington, DC
Nov, 2003	Mergers among Firms that Practice Yield Management INFORMS Annual Meeting, Atlanta, GA
Nov, 2003	Price Discrimination and Competition: Implications for Antitrust American Bar Association Fall Forum, Washington, DC
Nov, 2003	Role of Expert Economic Testimony in Antitrust Litigation Committee on Antitrust and Trade Regulation of the Bar of the City of NY
Aug, 2003	Continuity in Economics at the FTC ABA Antitrust Brownbag
May, 2003	Merger Simulation and Market Delineation Two-day training seminar at the Canadian Competition Bureau, Ottawa
April, 2003	Merger Simulation and Market Delineation Two-day training seminar at the Office of Fair Trading, London
May, 2002	Quantitative Cost-Benefit analysis of Mergers Three-day training seminar Swedish Competition Authority, Stockholm
April, 2002	Vertical Restraints and Upstream Horizontal Mergers: Does the retail sector matter? University of Florida, Gainesville

## Policy Advocacy

2009

- **Ticketmaster/LiveNation Merger**  
Written Testimony of Luke Froeb before the House Subcommittee on Courts and Competition Policy on the Ticketmaster/Live Nation Proposed Merger.

2006

- **Antitrust, *per se* Unlawfulness of Resale Price Maintenance**  
Brief of *Amici Curiae* Economists in Support of Petitioner, et al., Leegin. v. PSKS, 75 U.S.L.W. 3207 (U.S. Nov. 3, 2006) (No. 06-480) (On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit).
- **FCC, Media Ownership Rules**  
2006 Quadrennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 06-121, Joint Declaration of Luke Froeb, Padmanabhan Srinagesh and Michael Williams in support of

Comments of Hearts-Argyle Television, Inc.

- **Antitrust, Burden of Proof**  
Brief of *Amici Curiae* Economists in Support of Petitioner, et al., Bell Atl. Corp. v. Twombly, 74 U.S.L.W. 3517 (U.S. Apr. 6, 2006) (No. 05-1126) (On Writ of Certiorari to the United States Court of Appeals for the Second Circuit).  
Brief of *Amici Curiae* Economists in Support of Petitioner, Bell Atl. Corp. v. Twombly, 74 U.S.L.W. 3517 (U.S. Apr. 6, 2006) (No. 05-1126) (brief in support of certiorari).

2005

- **Fraud, Government Symbols**  
FTC Staff Comment to the United States Mint Concerning Civil Penalties for Misuse of Mint Words, Letters, Symbols, and Emblems (Mar. 2005)
- **Optometry**  
FTC Staff Comment to the Honorable Harry R. Purkey Concerning Virginia H.B. 2518, H.B. 160, and S.B. 272 Relating to the Practice of Optometry (Mar. 2005)
- **Health Care, Pharmacy Benefit Managers**  
FTC Staff Comment to the Honorable Richard L. Brown Concerning North Dakota H.B. 1332 to Regulate the Contractual Relationship Between Pharmacy Benefit Managers and Covered Entities (Mar. 2005)

2004

- **Contact Lenses**  
FTC Staff Comment to the Honorable Doug Matayo Concerning Arkansas H.B. 2286 and the Fairness to Contact Lens Consumers Act and Contact Lens Rule (Oct. 2004)
- **Housing, Real Estate** FTC Staff and Department of Justice Antitrust Division Comment to the Honorable Paul Kujawski Concerning Proposed Massachusetts H.B. 180 to Authorize Non-Attorneys to Perform Certain Real Estate Settlement Services (Oct. 2004)
- **Health Care, Pharmacy Benefit Managers** FTC Comment to the Honorable Greg Aghazarian Concerning California A.B. 1960 Requiring Pharmacy Benefit Managers to Make Specified Disclosures to “Purchasers” and “Prospective Purchasers” Regarding Revenues and Drug Formularies (Sep. 2004)
- **Labeling, Food** FTC Staff Comment Before the Food and Drug Administration Concerning Nutrient Claims (Jul. 2004)
- **Gasoline** FTC Staff Comment to the Honorable Gene DeRossett Concerning Michigan H.B. 4757, the “Petroleum Marketing Stabilization Act”(Jun. 2004)
- **Labeling, Pharmaceuticals, Medical Devices** FTC Staff Comment Before the

Food and Drug Administration Concerning Consumer-Directed Promotion (May 2004 )

- **Labeling, Food** FTC Staff Comment Before the Food and Drug Administration Concerning Food Labeling: Trans Fatty Acids in Nutrition Labeling (Apr. 2004)
- **Health Care, Pharmaceuticals** FTC Staff Comment to the Honorable Patrick C. Lynch and Honorably Juan M. Pichardo Concerning the Competitive Effects of Rhode Island General Assembly Bills Containing Pharmaceutical “Freedom of Choice” and “Any Willing Provider” Provisions (Apr. 2004)
- **Funeral Homes**  
FTC Staff Comment to the Honorable Joanne C. Benson Concerning Maryland H.B. 795 Regarding Corporate Ownership of Funeral Homes (Apr. 2004)
- **Internet Commerce, Contact Lenses Possible Anticompetitive Barriers to E-Commerce: Contact Lenses: A report from the Staff of the Federal Trade Commission** (Mar. 2004)
- **Internet Commerce, Alcohol** FTC Staff Comment to the Honorable William Magee et al. Concerning New York A.B. 9560-A; S.B. 606-A; and S.B. 1192 to Allow Out-of State Vendors to Ship Wine Directly to New York Consumers (Mar. 2004)
- **Gasoline** FTC Staff Comment to the Honorable Les Donovan Concerning Kansas H.R. 2330 Prohibiting a “Marketer” or “Retailer” From Selling Motor Fuel Below Cost (Mar. 2004)
- **Gasoline** FTC Staff Comment to the Honorable Demetrius C. Newton Concerning the Alabama Fuels Marketing Act (Jan. 2004)
- **Labeling, Food** FTC Staff Comment Before the Food and Drug Administration Concerning Labeling: Health Claims; Dietary Guidance (Jan. 2004)
- **Commodity Future Exchanges** FTC Comment Before the Commodity Futures Trading Commission Regarding the Application of U.S. Futures Exchange, LLC for Contract Market Designation (Jan. 2004)

**Testimony within Past Four Years**

CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FLORIDA  
Richard A. Hynes, et al. v. Health First, Inc., et al.

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF TENNESSEE AT GREENVILLE  
In Re: Southeastern Milk Antitrust Investigation Declaration.

UNITED STATES DISTRICT COURT, EASTERN DIVISION OF MISSOURI, EASTERN DIVISION  
Marty Ginsburg, et al. v. INVBEV NV/SA, Anheuser-Bush Companies, Inc., and  
Anheuser Busch, Inc. Declaration.

APPENDIX TWO  
DOCUMENTS RELIED UPON



## **COURT DOCUMENTS**

Amended Class Action Complaint (March 28, 2008).

Complaint, United States v. Dean Foods Company, Docket No. 10-C-0059 (E.D. Wis. Jan. 22, 2010).

Memorandum of Law in Support of Defendants' Motion for Summary Judgment (September 18, 2009).

Declaration of H. Stephen Grace, Jr. Ph.D. (November 4, 2009).

Declaration of Luke Froeb (November 9, 2009).

Declaration of Professor Einer Elhauge (November 4, 2009).

Declaration of Ronald W. Cotterill, Ph.D. (April 30, 2009).

Deposition of Byron Meredith (December 8, 2009).

Deposition of Tracey Hermann (November 6, 2009).

DOJ Dean/Foremost complaint.

Report of Catherine J. Morrison Paul, Ph.d. In Support of Defendants' Memorandum in Opposition to Retailers Motion for Class Certification, (June 30, 2009).

Retailer Plaintiffs' Memorandum in Support of Motion for Class Certification (May 1, 2009).

Retailer Plaintiffs' Memorandum of Law in Response to Defendants' Motion for Summary Judgment (Response to Docket 461) (November 5, 2009).

Retailer Plaintiffs' Replacement Memorandum of Law in Response to Defendants' Motion for Summary Judgment (January 22, 2010).

United States v. E. I. du Pont de Nemours & Co., 351 U.S. 377 (1956).

## **ACADEMIC ARTICLES AND TRADE PUBLICATIONS**

B. Gould (1996), "Factors Affecting U.S. Demand for Reduced-fat Fluid Milk," Journal of Agricultural and Resource Economics, vol. 21.

B.-I. Ahn and D.A. Sumner, "Political Market Power Reflected in Milk Pricing Regulations," American Journal of Agricultural Economics, vol. 91 (2009).

Ballou, R., Rahardja, H., Sakai, N., 2002.

Beverage Marketing Corporation of New York, "Milk and Dairy Alternative Beverages in the U.S." (November 2002).

Cornell University Department of Food Science Milk Quality Improvement Program, "Fluid Milk Production: Standardization," available at <http://www.milkfacts.info/Milk%20Processing/Fluid%20Milk%20Production.htm>.

Cryan (2002) "A Local Affair: Comparing Fluid Milk Markets," US Dairy Markets and Outlook 8(1), Dairy Management Inc., Rosemont, IL.

- D. Hosken, D. O'Brien, D. Scheffman, and M. Vita, "Issues in Scanner Data" in ABA Section of Antitrust Law (2005), *Econometrics: Legal, Practical, and Technical Issues*.
- D. Levinson, A. El-Geneidy, "The Minimum Circuity Frontier and the Journey to Work," *Regional Science and Urban Economics*, Vol. 30, Issue 6 (November 2009).
- E. Erba, R.D. Aplin, and M.W. Stephenson (1997), "Labor Productivities and Costs in 35 of the Best Fluid Milk Plants in the U.S." Cornell Program on Dairy Markets and Policy, Ithaca, NY, 1997.
- J. Werden (1992), "Four Suggestions on Market Delineation," *Antitrust Bulletin*, vol. 37.
- "Grupo Lala purchases NDH," *Dairy Foods*, May 11, 2009, available at [http://www.dairyfoods.com/Articles/Dairy\\_News/BNP\\_GUID\\_9-5-2006\\_A\\_10000000000000587937](http://www.dairyfoods.com/Articles/Dairy_News/BNP_GUID_9-5-2006_A_10000000000000587937).
- J.P. Prestemon, J.M. Pye, K.L. Abt, and D.N. Wear, "Market Definition For Hardwood Timber in the Southern Appalachians" in L.A. Munn, et al (eds.), *Proceedings of the 1999 Southern Forest Economics Workshop* (April 18, 1999).
- J.T. LeJeune and P. J. Rajala-Schultz, "Unpasteurized Milk: A Continued Public Health Threat," *Food Safety* vol. 48.
- J.W. Siebert, R. Schwart, M. Pritchard, M. Seidenberger (2000), "Suiza Foods Corporation: best management strategy in the fluid milk industry," *International Food and Agribusiness Management Review*.
- Johnson, R., C. Frary, M.Q. Wang, "The Nutritional Consequences of Flavored-Milk Consumption by School-Aged Children and Adolescents in the United States," *Journal of the American Dietetic Association*, vol. 102 (2002).
- Kawaguchi, T., N. Suzuki, and H.M. Kaiser. "Spatial Equilibrium Model for Imperfectly Competitive Milk Markets." *American Journal of Agricultural Economics*, vol. 79 (1997).
- L. J. Maynard (2000), "Empirical Tests of the Argument that Consumers Value Stable Retail Milk Prices," *J. of Agribusiness*, vol. 18.
- Luke Froeb and Brian McCann (2009), *Managerial Economics: A Problem-Solving Approach*, 2nd edition (Cincinnati, Southwestern).
- Murphy, M.M., J.S. Douglass, R.K. Johnson, L.A. Spence (2008), "Drinking Flavored or Plain Milk is Positively Associated with Nutrient Intake and is not Associated with Adverse Effects on Weight Status in US Children and Adolescents," *Journal of the American Dietetic Association*, vol. 108.
- National Dairy Council and American School Food Service Association, "The School Milk Pilot Test" (November 6, 2002).
- National Dairy Council, "Fact Sheet: School Milk Pilot Test" (September 19, 2002).
- Pindyck, Robert and Rubinfeld, Daniel (1998), *Microeconomics*, Upper Saddle River, NJ: Prentice Hall, 4th ed.
- Proceedings of the 1999 Southern Forest Economics Workshop, April 18-1999, Biloxi, MS.

- R. Ballou, H. Rahardja, and N. Sakai (2002), "Selected Country Circuitry Factors for Road Travel Distance Estimation," *Transportation Research Part A* vol 36.
- R. Gilbert and D.L. Rubinfeld, Comments on Horizontal Merger Guidelines, FTC-DOJ Horizontal Merger Guidelines Review Project (2009).
- R. P. Heaney, K. Rafferty, and J. Bierman (2005), "Not All Calcium-fortified Beverages Are Equal," *Nutrition Today* vol. 40.
- R. Cryan (2002) "A Local Affair: Comparing Fluid Milk Markets," *US Dairy Markets and Outlook* 8(1), Dairy Management Inc., Rosemont, IL.
- R. Johnson., C. Frary, and M.Q. Wang (2002), "The Nutritional Consequences of Flavored-Milk Consumption by School-Aged Children and Adolescents in the United States," *Journal of the American Dietetic Association*, vol. 102.
- Ronald W. Cotterill (2003), "Drafting of Connecticut Fair Milk Pricing Law: Further Thoughts on the Retail Price Collar," *Food Marketing Policy Issue Paper* No. 36.
- S. P. Oliver, B. M. Jayarao, and R. A. Almeida (2005), "Foodborne Pathogens in Milk and the Dairy Farm Environment," *Foodborne Pathogens and Disease*, vol. 2.
- T. Dhar and J.D. Foltz (2005), "Milk by Any Other Name...Consumer Benefits from Labeled Milk", *American Journal of Agricultural Economics* vol. 87.
- T. Dhar and J.D. Foltz (2005), "Is Soy Milk? The Economics of the Soy Milk Market," unpublished manuscript, available at <http://www.aae.wisc.edu/foltz/Is%20Soy%20Milk.pdf>.
- T. Kawaguchi, N. Suzuki, and H.M. Kaiser, "Evaluating class I differentials in the new federal milk marketing order system" *Agribusiness*, vol. 7 (2001).
- Tirole, Jean (1988), *The Theory of Industrial Organization*, Cambridge, MA: MIT Press.
- V. B. Alvarez (2008), "Fluid Milk and Cream Products" in S. Clark, M. Costello, M. Drake, F. Bodyfelt, eds, *The Sensory Evaluation of Dairy Products* 2nd edition, New York: Springer.
- Werden, G.J. (1992), "Four Suggestions on Market Delineation," *Antitrust Bulletin*.

#### **PUBLICLY AVAILABLE DOCUMENTS**

2002 Food and Agricultural Code.

Centers for Disease Control and Prevention. Foodborne Diseases Active Surveillance Network (FoodNet), "Population Survey Atlas of Exposures, 2002."

General Accounting Office, "Information on Milk Prices and Changing Market Structure", Report to Congressional Requesters, June 2001.

General Accounting Office, "Information on Milk Prices, Factors Affecting Prices, and Dairy Policy Options", Report to Congressional Requesters, December 2004.

K. Charles Ling, "Marketing Operations of Dairy Cooperatives, 2007," USDA Research Report 218.

National Institutes of Health, "Dietary Supplement Fact Sheet: Vitamin A," available at <http://dietary-supplements.info.nih.gov/factsheets/vitamina.asp>.

National Institutes of Health, "Dietary Supplement Fact Sheet: Vitamin D," available at <http://dietary-supplements.info.nih.gov/factsheets/vitamind.asp>.

"Order Regulating the Handling of Milk in the Southeast Marketing Area", [http://www.fmmlatlanta.com/Federal%20Orders/Language\\_FO7%20Oct08.pdf](http://www.fmmlatlanta.com/Federal%20Orders/Language_FO7%20Oct08.pdf).

"Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk)", <[http://edocket.access.gpo.gov/cfr\\_2009/janqtr/pdf/7cfr1005.2.pdf](http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1005.2.pdf)>.

State Milk Commission, Virginia Department of Agriculture and Consumer Services, available at <http://www.vdacs.virginia.gov/smc/>.

U.S. Department of Health and Human Services & Food and Drug Administration, "Grade 'A' Pasteurized Milk Ordinance, 2007 Revision."

U.S. Department of Health and Human Services and U.S. Department of Agriculture, "Dietary Guidelines for Americans (2005)." Available at <http://www.health.gov/dietaryguidelines/>.

U.S. Department of Justice and Federal Trade Commission, Horizontal Merger Guidelines (revised April 8, 1997).

US Dept. of Trans Bureau of Trans. Statistics, Transportation Statistics Annual Report, Washington, D.C., 1997.

#### **ELECTRONIC DOCUMENTS**

Distribution plant master file.xls

FMOPlantMaster.xls, available at  
<<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?startIndex=1&template=TemplateV&page=ListofRegulatedMilkPlants>>.

FMOPlantMstr\_03.xls, available at  
<<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?startIndex=1&template=TemplateV&page=ListofRegulatedMilkPlants>>.

FMOPlantMstr\_04.xls available at  
<<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?startIndex=1&template=TemplateV&page=ListofRegulatedMilkPlants>>.

FMOPlantMstr\_05.xls available at  
<<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?startIndex=1&template=TemplateV&page=ListofRegulatedMilkPlants>>.

FMOPlantMstr\_06.xls available at  
<<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?startIndex=1&template=TemplateV&page=ListofRegulatedMilkPlants>>.

FMOPlantMstr\_07.xls available at  
<<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?startIndex=1&template=TemplateV&page=ListofRegulatedMilkPlants>>.

FMOPlantMstr\_08.xls available at  
<<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?startIndex=1&template=TemplateV&page=ListofRegulatedMilkPlants>>.

## BATES NUMBERED DOCUMENTS



[REDACTED]



APPENDIX THREE

TECHNICAL MODEL DETAILS

